

ENTERED

March 07, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America)
v.)
Christopher Sanchez)
<u>Defendant</u>)

Case No. 4:24-cr-543-8

ORDER OF DETENTION PENDING TRIAL**Part I - Eligibility for Detention**

Upon the

Motion of the Government attorney pursuant to 18 U.S.C. § 3142(f)(1), or
 Motion of the Government or Court's own motion pursuant to 18 U.S.C. § 3142(f)(2),

the Court held a detention hearing and found that detention is warranted. This order sets forth the Court's findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

Part II - Findings of Fact and Law as to Presumptions under § 3142(e)

A. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(2) (previous violator): There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because the following conditions have been met:

(1) the defendant is charged with one of the following crimes described in 18 U.S.C. § 3142(f)(1):

- (a)** a crime of violence, a violation of 18 U.S.C. § 1591, or an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed; **or**
- (b)** an offense for which the maximum sentence is life imprisonment or death; **or**
- (c)** an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); **or**
- (d)** any felony if such person has been convicted of two or more offenses described in subparagraphs (a) through (c) of this paragraph, or two or more State or local offenses that would have been offenses described in subparagraphs (a) through (c) of this paragraph if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; **or**
- (e)** any felony that is not otherwise a crime of violence but involves:
 - (i)** a minor victim; **(ii)** the possession of a firearm or destructive device (as defined in 18 U.S.C. § 921); **(iii)** any other dangerous weapon; or **(iv)** a failure to register under 18 U.S.C. § 2250; **and**

(2) the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C. § 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; **and**

(3) the offense described in paragraph (2) above for which the defendant has been convicted was committed while the defendant was on release pending trial for a Federal, State, or local offense; **and**

(4) a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for the offense described in paragraph (2) above, whichever is later.

B. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(3) (narcotics, firearm, other offenses): There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because there is probable cause to believe that the defendant committed one or more of the following offenses:

- (1) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);
- (2) an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
- (3) an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;
- (4) an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; **or**
- (5) an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

C. Conclusions Regarding Applicability of Any Presumption Established Above

The defendant has not introduced sufficient evidence to rebut the presumption above, and detention is ordered on that basis.

OR

The defendant has presented evidence sufficient to rebut the presumption, but after considering the presumption and the other factors discussed below, detention is warranted.

Part III - Analysis and Statement of the Reasons for Detention

After considering the factors set forth in 18 U.S.C. § 3142(g) and the information presented at the detention hearing, the Court concludes that the defendant must be detained pending trial because the Government has proven:

- By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.
- By a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required.

In addition to any findings made on the record at the hearing, the reasons for detention include the following:

- Weight of evidence against the defendant is strong
- Subject to lengthy period of incarceration if convicted
- Prior criminal history
- Participation in criminal activity while on probation, parole, or supervision
- History of violence or use of weapons
- History of alcohol or substance abuse
- Lack of stable employment
- Lack of stable residence

- Lack of financially responsible sureties
- Lack of significant community or family ties to this district
- Significant family or other ties outside the United States
- Lack of legal status in the United States
- Subject to removal or deportation after serving any period of incarceration
- Prior failure to appear in court as ordered
- Prior attempt(s) to evade law enforcement
- Use of alias(es) or false documents
- Background information unknown or unverified
- Prior violations of probation, parole, or supervised release

OTHER REASONS OR FURTHER EXPLANATION:

Defendant Christopher Sanchez's involvement in the violent attacks underlying the pending federal charges, coupled with his continued involvement with a criminal gang bent on committing violence, his history of violent assaults, and his continued unlawful possession of firearms, clearly and convincingly show that no condition or combination of conditions would reasonably assure the safety of the community if he were released pending trial. The Government presented significant evidence that Defendant was one of numerous members of the Bandidos Outlaw Motorcycle Gang who attacked and assaulted members of another motorcycle gang at the Bimboz bar on February 22, 2023. A few months later, in August 2023, Defendant rallied other Bandidos members to confront other rival gang members at a Harley Davidson Store. At least one eyewitness indicated that Defendant threatened shoot the rival gang members if they did not leave the location, and that he was involved in the ensuing assault that injured the rival members. Defendant remains an active Bandidos member, which highlights his dangerousness to the community.

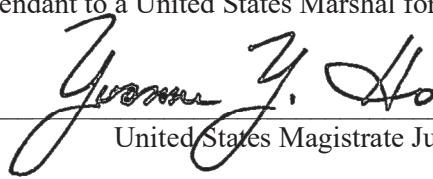
In addition, Defendant has continued to possess firearms that, as a convicted felon, he cannot lawfully possess. During an April 2024 search of his residence, law enforcement uncovered multiple firearms, all of which were seized. But that did not deter Defendant from acquiring yet more firearms, as law enforcement discovered when searching his residence just a few weeks ago. The continued unlawful possession of firearms by someone who has prior felony assault convictions poses obvious safety concerns. But Defendant's persistent acquisition and threatened use of such weapons to advance the Bandidos's illegal activities only magnifies those dangers. Moreover, the Government presented evidence that Defendant is unlawfully using controlled substances. The recent search of his residence uncovered baggies of marijuana leaves for use in smoked form. This possession is unlawful despite Defendant's prescription for medical marijuana because Texas's medical-use statute excludes administration of THC products through smoking. *See Tex. Occupations Code § 169.001(4)* (definition of "medical use" excludes administration of THC product "by smoking").

Defendant cites his status as a businessman who owns and operates a tattoo shop in Montgomery County, plus a separate artist's shop for the display of community art. Based on law enforcement surveillance, however, Defendant has hosted Bandidos events at his tattoo shop. Law enforcement has also received reports of illegal firearms and marijuana sales inside the shop. Thus, releasing Defendant to continue operating his business is not an acceptable option.

Although Defendant offered numerous letters of support and touted his involvement in various charitable activities, the fact remains that he is a card-carrying and active member of a violent gang, has shown his willingness to carry out violent attacks on the gang's behalf, has consistently disregarded federal law barring his possession of firearms, and is using illegal substances. Accordingly, the Court finds it unlikely that Defendant would abide by any conditions designed to ensure that his release would not pose an unreasonable danger to the public. It is therefore **ORDERED** that Defendant Christopher Sanchez be **DETAINED** pending trial.

Part IV - Directions Regarding Detention

The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: March 7, 2025

United States Magistrate Judge